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NATIONAL RAILROAD PASSENGER
CORPORATION (AMTRAK) and BNSF
RAILWAY COMPANY

UNITED STATES DISTRICT COURT
NORTHER DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE SEPTEMBER 30, 2011 TRAIN
ACCIDENT

Case No. C 12-03396-RS

**STIPULATION AND ~~[PROPOSED]~~ ORDER
TO EXTEND DISCOVERY DEADLINES**

STIPULATION

National Railroad Passenger Corporation ("Amtrak"), BNSF Railway Company, Fidel Mendoza Pinon, and Pinon Trucking, by and through their attorneys of record, hereby stipulate to extend the deadlines set by the Court in its Scheduling Order dated May 29, 2014. This stipulation shall not affect the pre-trial conference and trial dates.

Good cause exists for the requested extensions because the parties have scheduled a global mediation for September 16-17, 2014. The parties are hopeful that the related cases arising from the September 30, 2011 accident can be resolved through settlement at the mediation. However, in the event that a settlement is not reached, the parties request additional time after mediation to engage in additional non-expert discovery. The parties would be prejudiced by the current

discovery deadlines because the parties would be forced to complete discovery and begin expert discovery prior to the mediation, which would force the parties to waste time and resources on discovery that may not be necessary. Further, additional issues may come to light at the mediation and therefore, the parties would be prejudiced if they were unable to investigate those issues further.

Based on the foregoing, the parties stipulate to the following continuances:

1. The deadline to complete non-expert shall be extended from September 12, 2014 to **November 7, 2014**.

2. The deadline to designate experts in accordance with Rule 26(a)(2) shall be extended from October 10, 2014 to **November 7, 2014**.

3. The deadline to designate supplemental and rebuttal experts in accordance with Rule 26(a)(2) shall be extended from October 31, 2014 to **November 24, 2014**.

4. The deadline to complete all expert discovery, including depositions of expert witnesses, shall be extended from November 21, 2014 to **January 9, 2014**.

Dated: June 25, 2014

LOMBARDI, LOPER & CONANT, LLP

By: /s/ Kara A. Abelson

KARA A. ABELSON
Attorneys for Plaintiff/Defendants
NATIONAL RAILROAD PASSENGER
CORPORATION dba AMTRAK and BNSF
RAILWAY COMPANY

Dated: June 25, 2014

POWERS & MILLER

By: /s/ Robert F. Bennett

R. JAMES MILLER
ROBERT F. BENNETT
ATTORNEYS FOR DEFENDANT
FIDEL PINON

ORDER

WHEREAS, good cause exists for the relief requested herein, the Court hereby makes the foregoing Stipulation the Order of this Court.

IT IS SO ORDERED.

DATED: 6/25/14



Honorable Richard Seeborg
United States District Judge

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